

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

COMMONWEALTH OF	)	
MASSACHUSETTS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 13-cv-11301-RGS
	)	
PENNY PRITZKER, et al.	)	
	)	
	)	
Defendants.	)	
	)	
STATE OF NEW HAMPSHIRE,	)	
by its	)	
ATTORNEY GENERAL	)	
JOSEPH A. FOSTER,	)	
	)	
Intervenor,	)	
	)	

---

**MOTION OF THE STATE OF NEW HAMPSHIRE  
FOR INTERVENTION AS OF RIGHT, OR IN THE ALTERNATIVE,  
FOR PERMISSIVE INTERVENTION**

Pursuant to Fed. R. Civ. P. 24 and for the reasons set forth in the accompanying Memorandum of Law, the State of New Hampshire respectfully moves for intervention as of right in the above-captioned action under Fed. R. Civ. P. 24(a)(2). As described in greater detail in the accompanying Memorandum, New Hampshire seeks to intervene to protect its interests as a fisheries management and conservation regulator, and in its *parens patriae* role on behalf of diverse constituencies within the state, including a unique small boat fisheries industry that is not adequately represented by any other party or intervenor.

Alternatively, if the Court does not determine that New Hampshire may intervene as of right, New Hampshire moves for permissive intervention pursuant to Fed. R. Civ. P. 24(b).

Finally, pursuant to Local Rul 7.1(a), counsel for New Hampshire has conferred with counsel for Plaintiff and Defendants in this action. Plaintiff's counsel assents to this motion, while counsel for the Federal Defendants states that they take no position on New Hampshire's motion.

WHEREFORE, New Hampshire prays that this Court enter an order granting this motion and allowing New Hampshire to intervene in the case either as of right, or by permission.

Dated: September 10, 2013

Respectfully submitted,

STATE OF NEW HAMSPHIRE

JOSEPH A FOSTER

Attorney General

/s/ Peter C.L. Roth

Peter C.L. Roth (BBO # 556917)  
Senior Assistant Attorney General  
Office of the Attorney General  
Environmental Protection Bureau  
33 Capitol Street  
Concord, New Hampshire 03301  
(603) 271-3679

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of September 2013, I served the above Motion via the Court's ECF system upon those parties receiving ECF service.

Dated: September 10, 2013

/s/ Peter C.L. Roth

Peter C.L. Roth

942880